REMARKS

Claims 1-8 and 10-16 and 19-21 are pending. In this Response, Claims 1 and 19 are amended and claim 26 added. Reconsideration and allowance based on the above amendments and the following remarks are respectfully requested.

The Examiner rejects claims 1-16 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Barker (U.S. 5,818,800) in view of Huntsman (U.S. 5,801,689) and Eastwood (U.S. 5,819,225) and claims 2-16 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Huntsman, Eastwood and Walls (U.S. 5,969,708). These rejections are respectfully traversed.

In each of independent claims 1 and 19, a computing device is claimed in which a user activates a button on the computing device. When the activation of the button is of a first type, it corresponds to a dictation mode and when the activation of the button is of a second type, the operating mode is modified to place the computing device in a command mode. The user is then notified of the type of mode either visually or audibly by the device. Further, the user can temporarily change from the current mode to the other mode by pressing and holding the button, where the mode is switched back to the current mode upon releasing the button.

For example in embodiments of the present invention, when in the command mode, the user can enter a temporary mode, i.e., switch to the dictation mode by pressing and holding the button. When the button is released the mode is switched backed to the current mode. i.e., the command mode.

Applicants respectfully submit that Barker, Huntsman and Eastwood fail to teach these features of the independent claims.

In Barker a button is not activated to switch between different modes. In Barker, a switch is provided 84 (see Figure 4, column 4, lines 50-58). The

switch is internal and thus not operable by a user. The switch determines whether the peripheral device is in the portable mode (dictation) or a local mode (command). The activation of the switch is performed by connection of or disconnection of cable 32. When cable 32 is connected to terminal 30, the switch is set to the local mode. When cable 32 is removed from terminal 30, the switch is set to the portable mode. Thus, there is no user activation of a button to switch modes in Barker.

In an alternative embodiment, as stated in the section titled "Additional Embodiments" at column 6, it is stated that the peripheral device can be used to operate various devices and an additional "command" button can be added that when asserted, notifies the other devices of operating in a command mode. The assertion or pushing of the button is not a temporary switch. The engagement of the button causes the peripheral device to enter fully into the command mode. The button when pushed places the device in the command mode and must be disengaged into the dictation mode by the same means. The button is not held thus placing the peripheral device in a temporary command mode.

Further, Huntsman and Eastwood fail to remedy the deficiencies of Barker. Huntsman teaches a mouse with a button used for clicking. Huntsman teaches that the number of clicks of the button of the mouse can determine the operation that HTML code will perform. The HTML code therefore performs one action when a single click is made and a second action when the button is clicked twice. Huntsman does not teach holding a button to temporarily enter a different mode.

Eastwood teaches a system that provides visual feedback cues regarding speech recognition. These cues show the user what mode they are in or what features are currently on, such as a microphone. See column 2-3. Eastwood fails to teach or suggest entering a temporary mode as claimed.

For the reasons above, Applicants respectfully submit that the combination of Barker, Huntsman and Eastwood fail to teach or suggest, *inter alia*, a computing device receiving a user input actuating a button, placing the device in an operating mode corresponding to a dictation mode when the user input actuating the button is of a first type and modifying the operating mode to place the device in a command mode when the user input actuating the button is of a second type, wherein the device identifies spoken words as text in said dictation mode and as commands in the command mode, and providing an indication either visually or audibly to a user of said device as to whether said device is in said dictation mode or said command mode prior to identifying spoken words as text or commands...wherein the user can enter a temporary mode, which is one of either a dictation mode or a command mode, different from the mode the user is currently presiding by pressing and holding down said button, where the user stays in the temporary mode for the duration the button is held down and exits the temporary mode upon releasing of the button, which causes the user to enter back into the current mode, as recited in claim 1.

Also, the combination of Barker and Huntsman fails to teach or suggest, *inter alia*, a computing device including a second program module, stored in the memory for causing the processor to enter an operating mode corresponding to a command mode responsive to the button being pressed in a first manner, and notifying a user either audibly or visually of entering said command mode and a third program module, stored in the memory, for causing the processor to modify the operating mode to correspond to a dictation mode responsive to the button being pressed in the second manner, and notifying a user either audibly or visually of entering said dictation mode...wherein the user can enter a temporary mode, which is one of either a dictation mode or a command mode, different from the mode the user is currently presiding by pressing and holding down said button, where the user

stays in the temporary mode for the duration the button is held down and exits the temporary mode upon releasing of the button, which causes the user to enter back into the current mode, as recited in claim 19.

Further, regarding dependent claim 26, the combination of Huntsman, Barker and Eastwood fail to teach "after a predetermined amount of time, if spoken words are note detected, the microphone is deactivated and the system exits the current mode," as claimed.

In view of the above, Applicants respectfully submit that Barker, Huntsman and Eastwood fail to teach each and every feature of independent claims 1 and 19 as required. Further, dependent claims 2-8, 10-16, 20-21 and 26 are distinguishable over the combination of references for the above reasons as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

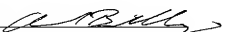
For at least the reasons above, it is respectfully submitted that claims 1-8, 10-16, 19-21 and 26 are distinguishable over the cited art. Favorable reconsideration and a prompt Notice of Allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 21, 2007

Respectfully submitted,

By 

Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant